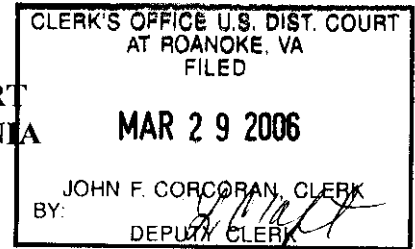


IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION



RELIASTAR LIFE INSURANCE CO.)
OF NEW YORK,)
Plaintiff,)

Civil Action No. 7:05-CV-00545

v.)

MEMORANDUM OPINION AND
ORDER

CHARLES LEMONE, et al.,)
Defendants.)

By: Samuel G. Wilson
United States District Judge


Reliastar Life Insurance Company of New York ("Reliastar") brings this statutory interpleader action regarding the ownership of an annuity belonging to the late Christine Webb LeMone. Reliastar filed a "motion to interplead," asking the court to accept the disputed funds into its registry and to dismiss Reliastar from the action with prejudice. The court referred the matter to United States Magistrate Judge Michael F. Urbanski pursuant to 28 U.S.C. § 636 for a recommendation. In an opinion dated March 16, 2006, the Magistrate Judge recommended that the court dismiss Reliastar from the action upon deposit of the disputed funds.¹ On March 21, 2006, two of the defendants, Charles LeMone and Charles Taylor, filed a response to Reliastar's "motion to interplead," which the court will construe as objections to the Magistrate Judge's recommendation. On March 28, 2006, Reliastar filed a notice to the court, informing the court that it had forwarded the disputed funds to the court for deposit.

Having reviewed the Magistrate Judge's recommendation, the defendants' objections, and pertinent portions of the record, the court **ADOPTS** the Magistrate Judge's recommendation,

¹Reliastar also sought an award of fees. The Magistrate Judge directed Reliastar to file an affidavit detailing their fees, and the Magistrate Judge will address that motion separately in due course.

GRANTS Reliastar's "motion to intervene," and hereby **DISMISSES** Reliastar from this interpleader action with prejudice.

ENTER: This 29th day of March, 2006.


UNITED STATES DISTRICT JUDGE